

### REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 26-37 have been canceled in favor of new claims 38-50. Support for the amendments is provided at least in the previous claims.

Claims 26, 27, 30-35, and 37 were rejected, under 35 USC §103(a), as being unpatentable over Neumiller et al. (US 6,226,283) in view of Mohebbi (US 6,889,046). Claims 28, 29, and 36 were rejected, under 35 USC §103(a), as being unpatentable over Neumiller in view of Mohebbi and Parkvall et al. (US 6,542,736). To the extent these rejections are deemed applicable to new claims 38-50, the Applicants respectfully traverse based on the points set forth below.

Claim 38 defines a transmission system in which a communication terminal: (a) selects one of a plurality base stations based on channel states existing between the base stations and the communication terminal and (b) communicates, to the selected base station, information identifying the selected base station and information identifying a packet to be communicated to the communication terminal by the selected base station. Also, the transmission system includes a base station

that: (c) determines whether it is the selected base station, using the communicated information identifying the selected base station, and (d) communicates a packet identified by the communicated packet identifying information to the communication terminal.

By contrast to the above-noted claimed features, Neumiller discloses, in Fig. 1, a soft handoff procedure in which each of a plurality of base stations 103-107 receives a frame of information from a communication terminal 113 (Neumiller col. 3, lines 54-56 and 65-67). Each base station informs an anchor base station 103 of the signal quality with which the frame was received, and anchor base station 103 selects a base station 104-107 that received the frame with the highest quality to communicate the frame to anchor base station/switch 103/101 (col. 4, lines 10-19, and col. 9, lines 45-60). Anchor base station 103 sends a message, containing the frame number for the frame, to the selected base station instructing the latter to send the received frame to anchor base station/switch 103/101 (col. 4, lines 21-34, and col. 9, lines 45-60).

Neumiller's disclosure differs from the claimed subject matter in that:

1. Neumiller's anchor base station selects one of a plurality of base stations based on channel states existing

between the base stations and a communication terminal, whereas claim 38 recites that a communication terminal selects one of a plurality base stations based on channel states existing between the base stations and the communication terminal;

2. Neumiller discloses that the anchor base station communicates, to the selected base station, information identifying the selected base station and information identifying a packet to be communicated to the anchor base station by the selected base station, whereas claim 38 recites that the communication terminal communicates, to the selected base station, information identifying the selected base station and information identifying a packet to be communicated to the communication terminal by the selected base station; and

3) Neumiller discloses that the selected base station communicates a frame (e.g., packets) identified by the communicated frame number to the anchor base station, whereas claim 38 recites that the selected base station communicates a packet identified by the communicated information to the communication terminal.

So as to have Neumiller's disclosure correspond to the claimed subject matter, the Office Action characterizes Neumiller's anchor base station as corresponding to the claimed communication terminal. Based on this characterization, the

Office Action seems to further propose that Neumiller's system could be modified by Mohebbi's teachings so that anchor base station would determine the channel states existing between it and the plurality of base stations (see Office Action section 6, last two paragraphs).

However, the office action's proposed modification of Neumiller's system would produce a system in which a mobile station communicates a packet to a plurality of base stations and an anchor base station selects one of the plurality of base stations to communicate the packet to the anchor base station based on the channels states existing between the plurality of base stations and the anchor base station. This proposed system defeats the object of Neumiller's system.

Neumiller discloses that packet communications between a communication terminal 113 and a plurality of base stations during a soft handover may have different qualities (Neumiller col. 3, lines 54-56 and 65-67). Thus, Neumiller's system selects the base station receiving the packet with the highest quality to send the packet to the anchor base station for subsequent forwarding to the packet's destination (see col. 2, lines 55-67).

The Office Action's proposed modification of Neumiller's system does not select the base station receiving the packet with the highest quality to send the packet to the anchor base station

for subsequent forwarding to the packet's destination. Instead, the proposed system selects the base station having the best channel state with the anchor base station for sending the packet to the anchor station. Thus, the proposed system takes no account of how well the selected base station received the packet from the communication terminal during the soft handoff, thereby defeating the object of Neumiller's system.

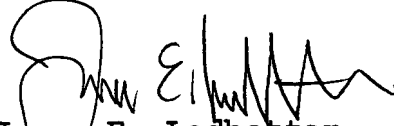
It is well-settled law that, if a proposed modification would render a prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification (see MPEP 2143.01(V), first sentence). Parkvall is not cited for curing the above-mentioned problem with the proposed modification of Neumiller's system.

Accordingly, the Applicants submit that Neumiller, Mohebbi, and Parkvall, considered individually or in combination, do not render obvious the subject matter defined by claim 38. Independent claim 43, 44, and 46 similarly distinguish over the applied references. Therefore, allowance of claims 38, 43, 44, and 46 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James E. Ledbetter', with a stylized, cursive script.

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